

## COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on 01/16/2007. At the time the Examiner mailed the Office Action claims 1-57 were pending. By way of the present response the Applicants have: 1) amended claims 1, 13-15, 20, 32, 33, 34, 39 and 51-53; 2) added no new claims; and 3) canceled claims 12, 16, 17, 19, 31, 35, 50, 54-57. As such, claims 1-11, 13-15, 18, 20-30, 32-34, 36-49, 51-53 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### Rejections Under 35 U.S.C. §102(e)

The Examiner has rejected independent claims 1 and 39 under 35 USC §102(e) as being anticipated by U.S. Pub. App. No. 2005/0039187 A1 (hereinafter "Avakian"). The Applicant has amended independent claims 1 and 39 to recite the following (emphasis added):

. . . [a] byte code modification method . . . comprising:  
modifying a method's byte code instructions, said method comprising an entry point and an exit point, said modifying comprising inserting first and second additional byte code instructions into said method's byte code instructions, said first additional byte code instruction to invoke a first dispatch process as a consequence of said entry point being reached during runtime, said second additional byte code instruction to invoke a second dispatch process as a consequence of said exit point being reached during runtime; and,  
during runtime, invoking said first dispatch process from said first additional bytecode instruction and invoking said second

dispatch process from said second additional byte code instruction, said first dispatch process including referring to a first dictionary to identify a first plug-in that performs a first output function, said second dispatch process including referring to a second dictionary to identify a second plug-in that performs a second output function.

The Applicant respectfully submits that claims 1 and 39 are patentable over Avakian at least because Avakian fails to disclose a dispatching process.

Figs. 5A and 5B of the Applicant's specification specify a dispatch process.

According to a dispatch process, at 1, a dispatch unit receives the identity of the calling method (in this case, the instrumented method), at 2 the dispatch unit provides to the calling method a reference to the appropriate plug-in, at 3, the calling method invokes the plug-in directly. The Examiner's attention is drawn to paragraphs [0070] to [0073] and [0097] to [0101] of the Applicant's specification for more details.

Avakian does not disclose a dispatch process. Instead Avakian only discloses an interface driven approach where each plug-in is communicated to by the instrumented method through an interface - no dispatcher is used. That is, in Avakian, to employ a plug-in, an instrumented method of Avakian simply makes a call to the plug-in's interface. *See, e.g.,* Avakian, Fig. 2 (ExecCallback interface 36), para. [0057] (" . . . the ExecCallback interface . . . receives calls from the instrumentation code at selected points . . . "); para. [0061] ("The execCallback interface 36 enables various types of monitoring tools (hereinafter "plug-in instruments") to be plugged into the interface and receive information when classed

are executed."); paras. [0106] to [0118] (describing the ExecCallback interface in detail).

This is not the case for a dispatch process. Moreover, the Applicant's claimed subject matter recites the use of different dictionaries for the respective dispatch processes of an instrumented method's entry and exit points. This permits, potentially, implementing different monitoring treatments as between the entry and exit points of the same method.

To the extent Avakian could be construed as teaching similar capability (i.e., the ability to implement different monitoring treatments as between the entry and exit points of the same method), Avakian requires the use of "context" objects that are used by the plug-in interface and/or plug-in to inform the interface/plug-in as to what specific treatment is appropriate for the call. See, e.g., Avakian, para. [0108] (describing a context object that represents the instrumented and whose identity is passed to the plug-in interface to "indicate [to the plug-in interface methods] what data should be collected concerning execution of the instrumented method, how this data should be processed or used, where the data should be stored, etc."), para. [0110] (describing a similar context object for an instrumented method).

By contrast, according to the claimed subject matter, different treatment is articulated through the different dictionaries (e.g., for the same invoking instrumented method, a lookup from the first dictionary provides a different result than the look-up from the second dictionary). Therefore Avakian fails to disclose the subject matter claimed by the present application.

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

In the further interests of efficiency, the Applicant reserves the right under MPEP 2144.03.C to cause the Examiner to find in the prior art subject matter to which the Examiner has taken Official Notice at a later time in the prosecution of the present case when the subject matter of such prior art is actually at issue.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

4/16/07



\_\_\_\_\_  
Robert B. O'Rourke  
Reg. No. 46,972

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300